

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEMO ENDORSED

KELLI D. HAKE and MATI GILL,

Plaintiffs,

-against-

CREDIT SUISSE AG; WELLS FARGO BANK,
N.A.; THE BANK OF NEW YORK MELLON; and
ING FINANCIAL HOLDINGS LLC,

Defendants.

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No. 19-mc-24 (VEC)

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STIPULATION

WHEREAS on January 15, 2019, Plaintiff Osen LLC filed a miscellaneous action (the “Action”) in the United States District Court for the Southern District of New York against Credit Suisse and other subpoena recipients, seeking an order compelling the Action defendants to produce records responsive to subpoenas Plaintiffs previously served on them (Plaintiffs only served one such subpoena on Credit Suisse, herein the “Subpoena”);

WHEREAS, as a result of productive negotiations between Plaintiffs and Credit Suisse, Credit Suisse has made a production and the parties have reached an agreement whereby Plaintiffs will dismiss Credit Suisse from the Action and thereafter Credit Suisse will make its best efforts to produce SWIFT Fields 20 and 21 with respect to the transactions previously produced that it expects to receive from a third-party bank (the “Agreement”);

WHEREAS neither the Agreement itself nor the dismissal of Credit Suisse reflects Plaintiffs’ position concerning the scope of the Subpoena or the sufficiency of the production, if any, made by any subpoena recipient other than Credit Suisse;

IT IS HEREBY STIPULATED AND AGREED, by and between the Plaintiffs and Credit Suisse, as follows:

1. Plaintiffs will dismiss Credit Suisse from the Action, with each party to bear its own fees and costs, without prejudice to Plaintiffs' right to file an action against Credit Suisse solely seeking enforcement of the Agreement, should Credit Suisse not produce the remaining information referred to above in a reasonably timely fashion;
2. In the event Plaintiffs seek to file such an action, Plaintiffs shall notify Credit Suisse 30 days in advance of doing so to provide Credit Suisse the opportunity to produce the remaining information referred to above; and
3. Credit Suisse shall not seek costs pursuant to Rule 41(d) in the event that Plaintiffs file an action against it to enforce the Agreement in accordance with the terms of this Stipulation.

Dated: July 14, 2019

OSEN LLC

By: /s/ Michael J. Radine
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Counsel for Plaintiffs

Dated: July 14, 2019

MAYER BROWN

By: /s/ Mark Hanchet
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Counsel for Credit Suisse AG

In light of the above stipulation, this case is DISMISSED as against Defendant Credit Suisse AG only and without costs (including attorneys' fees) to either Plaintiffs or Defendant Credit Suisse AG.

The Clerk of Court is respectfully directed to terminate Defendant Credit Suisse AG from the case.

SO ORDERED.



7/15/2019

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE